

Serial No.: 10/678,830  
File Date: October 3, 2003

Examiner: Lee D. Wilson  
Art Unit: 3723

### REMARKS

Claims 1-11 and 13-16 are canceled without prejudice, Claim 12 is amended, and new claims 17-26 have been added.

The Examiner had rejected claims 14-16 under 35 USC 112 as being indefinite as a result of the use of product by process language. The applicant disagrees that product by process language is indefinite but claims 14-16 have been canceled making the rejection moot.

The Examiner had rejected claims 12-16 under 35 USC 103(a) as being unpatentable over Baker III in view of James. The applicant believes that these rejections are not applicable for the following reasons:

- (1) The claims require the polishing pad to have an outer surface (i) comprised of either a metal film or a Teflon film, or (ii) comprised of a material whose physical properties have been changed in relation to the physical properties of the interior segment by contact with radiation. The method claims specify the process by which the outer surface is formed.

In contrast the Baker and James references merely reveal an outer surface which has been impregnated with discrete particles of metal or plastic. Thus the references do not reveal the formulation of a film which is by definition continuous as opposed to impregnation with discrete particles of metal or plastic. Thus the references do not reveal the formation of a film which is by definition continuous as opposed to impregnation with discrete particles. The character of the film of this invention is clearly revealed by the processes that create it namely spin coat, spray, dip, vacuum metallization, sputtering or electroless metallization. As can be readily seen the films produced by these processes are readily distinguishable from the discrete particle impregnation of the cited references.

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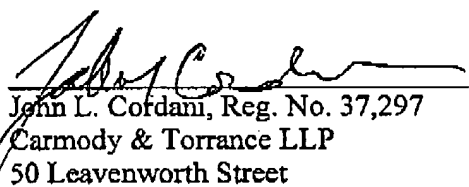
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- (2) The claims require that the outer surface be at least 0.05 microns thick. Although the James reference reveals particle sizes in the range of 0.05 microns, this is not the same as an outer surface at least 0.05 microns thick.
- (3) As for the method claims, none of the cited references reveal the creation of an outer surface by the techniques of dip, spray, spin coating, vacuum metallization, sputtering or electroless metallization.

### CONCLUSION

For the foregoing reasons, it is believed that this application is in a condition for immediate allowance. Such action is earnestly sought. If the Examiner perceives any reason why this application should not be immediately allowed he is requested to contact the undersigned for a telephonic interview prior to issuance of the next office action.

Respectfully Submitted

  
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